



# PUBLIC NOTICE

**Federal Communications Commission  
445 12<sup>th</sup> Street S.W.  
Washington, D.C. 20554**

News media information 202 / 418-5000  
Fax-On-Demand 202 / 418-2830  
Internet: <http://www.fcc.gov>  
<ftp.fcc.gov>

DA-07-4550

---

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

## **PUBLIC NOTICE**

**Released: November 07, 2007**

### **FEE DECISIONS OF THE MANAGING DIRECTOR AVAILABLE TO THE PUBLIC**

The Managing Director is responsible for fee decisions in response to requests for waiver or deferral of fees as well as other pleadings associated with the fee collection process. A public notice of these fee decisions is published in the FCC record.

The decisions are placed in General Docket 86-285 and are available for public inspection. A copy of the decision is also placed in the appropriate docket, if one exists.

The following Managing Director fee decisions are released for public information:

**AMCI Acquisition L.P.**— Request for refund of application fee. **Granted** (October 16, 2007) [*See* 47 C.F.R. §1.1113]

**Louisiana Radio Communications, Inc. and ERA Helicopters, LLC** Request for refund of application fee. **Granted** (October 16, 2007) [*See* 47 C.F.R. §1.1113]

**EchoStar Satellite Operating Corporation** Request for waiver of FY 2006 regulatory fee late payment penalty. **Granted** (October 16, 2007) [*See* 47 C.F.R. §1.1113(a)(4)]

**Georgia-Carolina Radiocasting Company, LLC Station W281AD** - Request for waiver and refund of FY 2007 regulatory fee. **Granted** (October 23, 2007) [*See* Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, 10 FCC Rcd 12759, 12762 (1995)]

**KCFA, Inc Station K283AY** - Request for waiver and refund of FY 2007 regulatory fee. **Granted** (October 23, 2007) [*See* Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, 10 FCC Rcd 12759, 12a762 (1995)]

**Loma T.V. Club** – Request for waiver of FY 2003 regulatory fee and late payment penalty. **Granted** (October 25, 2007) [*See* Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, 10 FCC Rcd 12759, 12761, para. 16 (1995)]

**Legacy Communications Corp - Request** for refund of application fees. **Granted** (September 21, 2007) [See Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, 2 FCC Rcd 947, 958 (1987); Sirius Satellite Radio, Inc., 18 FCC Rcd 12551 (2003)]

**NEW FM, Glenville, West Virginia - Request** for refund of application fees. **Denied** (October 23, 2007) [See Implementation of Section 309(j) of the Communications Act - Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses, First Report and Order, 13 FCC Rcd 15920, 15983 para. 164 (1998) (emphasis added)]

**Mapale LLC Station WGEN-TV - Request** for waiver of FY 2006 regulatory fees. **Denied** (September 21, 2007) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), recon. granted, 10 FCC Rcd 12759 (1995) (*Reconsideration*)]

**Pagosa Springs TV Association - Request** for waiver and refund of FY2006 regulatory fee. **Denied** (September 26, 2007) [See Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, 10 FCC Rcd 12759, 12761, para. 16 (1995)]

**Pittman Broadcasting Services, LLC Station WOMN (AM) - Request** for waiver and refund of FY 2007 regulatory fee. **Granted** (October 23, 2007) [See Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, 10 FCC Rcd 12759, 12762 (1995)]

**Proctor-Williams, Inc Station KSET (AM) Request** for waiver and refund of FY 2007 regulatory fee. **Granted** (October 23, 2007) [See Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, 10 FCC Rcd 12759, 12762 (1995)]

**Radio Meillennium LLC Stations KMKX and KWNE - Request** for waiver and refund of late payment penalty. **Denied** (September 21, 2007) [See Assessment and Collection of Regulatory Fees for Fiscal Year 2005, Report and Order, 20 FCC Rcd 12259, 12273-75, ¶¶ 45-50 (2005) (FY 2005 Report and Order); 47 U.S.C. §159; 47 C.F.R. §1.1157]

**Sodtown Telephone Company - Request** for waiver of application fee. **Denied** (October 16, 2007) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), on recon., 10 FCC Rcd 12759 (1995) (Implementation of Section 9 Reconsideration)]

**Wireless America, LLC - Request** for waiver application fee. **Denied** (October 16, 2007) [See 47 U.S.C. §158(d)(2); 47 C.F.R. §1.1117(a); Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, 5 FCC Rcd 3558, 3572-73 (1990)]

**NOTE: ANY QUESTIONS REGARDING THIS REPORT SHOULD BE DIRECTED TO THE REVENUE AND RECEIVABLES OPERATIONS GROUP AT (202) 418-1995.**

Adama

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

OCT 16 2007

OFFICE OF  
MANAGING DIRECTOR

John Wells King, Esq.  
Garvey Schubert Barer  
Flour Mill Building  
1000 Potomac Street, N.W.  
Fifth Floor  
Washington, D.C. 20007-3501

Re: AMCI Acquisition L.P.  
Request for Refund of Application Fee  
Fee Control No. 0610168994549001

Dear Mr. King:

This letter responds to your request filed July 18, 2007 (*Request*), on behalf of AMCI Acquisition L.P. for a refund of the \$2,635.00 fee associated with a transfer of control application (*Application*) filed on October 3, 2006. Our records reflect that you paid the filing fee. For the reasons set forth below, we grant your request.

You recite that "[o]n July 3, 2007, AMCI withdrew the application [filed in October of 2006] at the request of the Commission staff."<sup>1</sup> You state that "the staff determined that the application should be resubmitted by different parties in the licensee's ownership chain."<sup>2</sup> You state that "[a] revised application was filed July 5, 2007, accompanied by the required filing fee of \$2,870 (reflecting an intervening increase in the application filing fee for FY 2007)."<sup>3</sup> You assert that a refund is warranted under section 1.1109(d) of the rules, 47 C.F.R. §1.1109.

Our records reflect that on October 3, 2006, you filed the *Application* along with the associated \$2,635.00 fee. On October 5, 2006, the Commission returned the *Application* and fee to AMCI because AMCI failed to make the check payable to the Federal Communications Commission (FCC or Commission).<sup>4</sup> On October 13, 2006, you re-filed the *Application* along with a check in payment of the fee made payable to the FCC. On May 1, 2007, the Commission again returned the *Application* because it appeared from the information that AMCI had provided "that the named transferor may not currently hold the subject licenses."<sup>5</sup> The *Notice* stated that in order for the Wireless Telecommunications Bureau (Bureau) "to process . . . [AMIC's] application, [AMIC] . . . must clarify the past transactions involving the licenses by AMCI and any of its

---

<sup>1</sup> *Request* at 1.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> See Letter from FCC Financial Operations to AMCI (Oct. 5, 2006).

<sup>5</sup> See FCC, Wireless Telecommunications Bureau, *Notice of Return*, to Garvey Schubert Barer (May 1, 2007) (*Notice*).

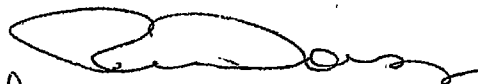
successors, transferees and/or assignees and make any necessary amendments or additional filings related to such transactions.”<sup>6</sup> The *Notice* also stated that if AMCI “do[es] not file an [a]mendment to [its] . . . application within 60 days of [May 1, 2007] . . . [the] application will be [d]ismissed.”<sup>7</sup> On July 3, 2007, AMCI withdrew the *Application* and, on July 5, 2007, filed a revised transfer of control application (*July 5, 2007 Application*), along with a \$2,870.00 filing fee, which the Commission received on July 11, 2007.

The Commission has discretion to waive filing fees upon a showing of good cause and a finding that the public interest will be served thereby.<sup>8</sup> We construe our waiver authority under section 8 of the Communications Act, 47 U.S.C. §158(d)(2), narrowly and will grant waivers on a case-by-case basis to specific applicants upon a showing of “extraordinary and compelling circumstances.”<sup>9</sup>

In view of the circumstances recited above, including the fact that AMCI withdrew the initially-filed *Application* and subsequently filed the *July 2007* revised *Application* along with an additional filing fee of \$2,870.00 less than one week after withdrawal, we find that the \$2,635.00 fees paid with the *Application* was effectively an “overpayment” under section 1.1113 of the Commission’s rules, 47 C.F.R. §1.1113. We therefore conclude that a refund of the original application filing fees is appropriate.<sup>10</sup> We therefore grant your request for a refund of the \$2,635.00 filing fees associated with the *Application*.

A check, made payable to the maker of the original check, and drawn in the amount of \$2,635.00, will be sent to you at the earliest practicable time. If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark Stephens  
Chief Financial Officer

---

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> See 47 U.S.C. §158(d)(2); 47 C.F.R. §1.1117(a); *Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985*, 5 FCC Rcd 3558, 3572-73 (1990).

<sup>9</sup> See *Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985*, 2 FCC Rcd 947, 958 (1987); *Sirius Satellite Radio, Inc.*, 18 FCC Rcd 12551 (2003).

<sup>10</sup> See 47 C.F.R. §§1.1108 and 1.1113(a).



GARVEY SCHUBERT BARER  
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

FO WAIVER TRACKING SYSTEM  
CONTROL # 9152

WASHINGTON, D.C. OFFICE  
fifth floor  
flour mill building  
1000 potomac street nw  
washington, d.c. 20007-3501  
TEL 202 965 7880 FAX 202 965 1729

OTHER OFFICES  
beijing, china  
new york, new york  
portland, oregon  
seattle, washington  
GSBLAW.COM

ORIGINAL

Please reply to JOHN WELLS KING  
jking@gsblaw.com TEL EXT 2520

July 18, 2007

**VIA HAND DELIVERY**

Mr. Anthony Dale  
Managing Director  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

RECEIVED - FCC

JUL 18 2007

Federal Communications Commission  
Bureau / Office

RE: Request for Refund of Filing Fee  
**AMCI Acquisition L.P.**  
FRN 0007249741  
FCC Form 603  
Application File No. 0002755329, filed October 2, 2006

Dear Mr. Dale:

On behalf of AMCI Acquisition L.P. ("AMCI"), licensee in the Fixed Microwave Services, I respectfully request a refund of the application filing fee in the amount of \$2,635.00, paid in connection with the filing of the above-referenced application for Commission consent to transfer of control of the licensee.

On July 3, 2007, AMCI withdrew the application at the request of the Commission staff. Through preliminary review and informal discussion with the undersigned, the staff determined that the application should be resubmitted by different parties in the licensee's ownership chain. A revised application was filed July 5, 2007, accompanied by the required filing fee of \$2,870 (reflecting an intervening increase in the application filing fee for FY2007).

Refund is warranted under the provisions of Section 1.1109(d): "Applications returned to applicants for additional information or corrections will not require an additional fee when resubmitted . . ." The staff had the authority and discretion to return the application to AMCI for corrections and resubmission, but because this is a transfer of control application, the staff requested instead that it be withdrawn and resubmitted. In cooperation with the staff, AMCI withdrew the application, and in so doing, incurred a second filing fee for the same matter.



G A R V E Y S C H U B E R T B A R E R

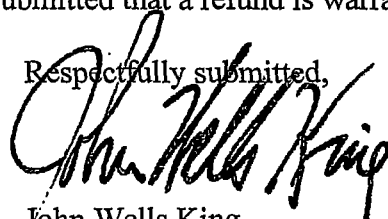
Anthony Dale  
Managing Director  
Federal Communications Commission  
July 18, 2007  
Page 2

Enclosed for your reference is a copy of the transmittal of Form 159 Remittance Advice for the filing fee.\*

Staff in the Wireless Telecommunications Bureau who conferred with the undersigned regarding the application are Linda Ray and Elizabeth Fishel.

On the basis of the foregoing, it is submitted that a refund is warranted, and it is so requested.

Respectfully submitted,



John Wells King

JWK:yg

---

\* The filing fee was originally submitted by transmittal letter of October 2, 2006. It was resubmitted on October 12, 2006, after being returned because the check had not been made payable to the Commission. Kindly note that the payor of the resubmitted fee that was processed is Garvey Schubert Barer, FRN 0004988564.

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

OCT 16 2007

Adamo

OFFICE OF  
MANAGING DIRECTOR

Perry Vincent, President  
Louisiana Radio Communications, Inc.  
Post Office Box 3143  
Lake Charles, LA 70602-3143

Re: Louisiana Radio Communications, Inc. and  
ERA Helicopters, LLC  
Request for Refund of Application Fee  
Fee Control No. 0603038340891520

Dear Mr. Vincent:

This letter responds to your request dated October 18, 2006, on behalf of Louisiana Radio Communications, Inc. (LRC) for a refund of the \$7,150.00 application fee associated with an application for a fleet license for 130 aviation aircraft for ERA Helicopters, LLC (ERA). For the reasons set forth below, we grant a refund of the \$7,150.00 application fee.

You recite that on January 9, 2006, LRC "filed a new license request application [w]ith the FCC for ERA Helicopters, LLC."<sup>1</sup> You state that "[o]n February 28, 2006[,] the application was dismissed due to an unbeknown to us 'Red-light Issue.'"<sup>2</sup> You say that upon "finding out about the dismissal and 'Red-light Issue[,] . . . [w]e took immediate action and paid the outstanding debt of \$110.00 in full."<sup>3</sup> You assert that LRC "filed the new license request for ERA Helicopters for Lake Charles, Louisiana and the 'Red-light' invoices were mailed to Houston TX [sic] address to the attention of ERA Helicopters, LLC."<sup>4</sup> You state that on March 15, 2006, you "sent a request for a refund the [sic] for amount of \$13,650.00 associated with the [application filed on January 9, 2006]."<sup>5</sup> You say that you were "told it would be sent in two checks as of October 18, 2006 we had not received the check for \$7150.00 [sic]."<sup>6</sup> You say that "[o]n the 18<sup>th</sup> of October I called the help desk and spoke with Dixie, she said I was not getting the application fee of

---

<sup>1</sup> Request at 1.

<sup>2</sup> Id.

<sup>3</sup> Id.

<sup>4</sup> Id.

<sup>5</sup> Id.

<sup>6</sup> Id.

\$7150.00 for [the application filed on January 9, 2006] . . . at this time.”<sup>7</sup> You state that “I needed to request again for a refund the application fees of \$7150.00 . . . [b]eing we reapplied for ERA Helicopters and . . . we paid the application fees at that time.”<sup>8</sup>

Our records reflect that on January 9, 2006, ERA filed a *Quick-Form Application for Authorization in the Ship, Aircraft, Amateur, Restricted and Commercial Operator, and General Mobile Radio Services, FCC 605, Main Form (Form 605)* for a new aviation aircraft fleet license for 130 aircraft (*January 9 Application*) along with the associated application and regulatory fees.<sup>9</sup> Because ERA requested a fleet license for 130 aircraft for a ten-year term, for each aircraft, ERA filed an application fee of \$55.00 (for a total application fee of \$7,150.00), plus a regulatory fee of \$5.00 for each year of the ten-year license term (for a total regulatory fee of \$6,500.00), for a total fee of \$13,650.00 for the 130 aircraft. On January 12, 2006, the Office of Managing Director (OMD) sent ERA a *Notice of Withholding Action* stating that ERA was delinquent in the payment of debts owed the Commission and that if “full payment or satisfactory arrangement to pay the delinquent debt” was not made within 30 days of the date of the *Notice of Withholding Action*, the Commission would dismiss the *January 9 Application*.<sup>10</sup> Because ERA failed to pay the delinquent debt, on February 28, 2006, the Commission dismissed the *January 9 Application* without prejudice to refiling another application.<sup>11</sup> On March 6, 2006, LRC paid the delinquent debt. On July 25, 2006, ERA filed another *Form 605* for a new aviation aircraft fleet license for 130 aircraft (*July 25 Application*), along with an additional \$13,650.00 fee (representing a \$7,150.00 application fee and a \$6,500.00 regulatory fee). In response to LRC’s request for a refund of the fees submitted in

---

<sup>7</sup> *Id.* at 2.

<sup>8</sup> *Id.*

<sup>9</sup> The regulatory fee at issue here is considered a “small fee” and is therefore collected in advance for the entire ten-year license term and remitted when the license application is filed. See *Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, paras. 36, 38, and 68 (1994), *on recon.*, 10 FCC Rcd 12759 (1995); 47 C.F.R. §1.1152, Note 1; see also 47 C.F.R. §1.1152(4) (Shared Use Services: Aviation Aircraft) and 1.1102(4). LRC filed the application and regulatory fees on January 11, 2006.

<sup>10</sup> See *Notice of Withholding of Action* from Marvin Washington, Revenue and Receivables Operations Group, OMD, FCC, to ERA Helicopters, LLC (Jan. 12, 2006) (*Notice of Withholding Action*).

<sup>11</sup> See *Notice of Dismissal* from Wireless Telecommunications Bureau, FCC, to David Robinson (Feb. 28, 2006) (“Your application is in a dismissal status effective February 28, 2006, without prejudice in accordance with Section 1.934. . . . If you still wish to be licensed, you must file a new application, fee, FCC Form 159 for feeable applications, and all required showings.”).




connection with the *January 9 Application*, on March 22, 2006, OMD sent LRC a check in the amount of \$6,500.00 in refund of the associated regulatory fee.<sup>12</sup>

The Commission has discretion to waive filing fees upon a showing of good cause and a finding that the public interest will be served thereby.<sup>13</sup> We construe our waiver authority under section 8 of the Communications Act, 47 U.S.C. §158(d)(2), narrowly and will grant waivers on a case-by-case basis to specific applicants upon a showing of "extraordinary and compelling circumstances."<sup>14</sup>

In view of the circumstances recited above, including the fact that ERA filed the new *July 25 Application* after OMD dismissed ERA's *January 9 Application* on February 28, 2006, without prejudice to filing another application (and after ERA paid its delinquent debt to the Commission), along with an additional filing fee of \$7,150.00, we find that the \$7,150.00 fee paid with the *January 9 Application* was effectively an "overpayment" under section 1.1113 of the Commission's rules, 47 C.F.R. §1.1113. We therefore conclude that a refund of the original \$7,150.00 application filing fee is appropriate.<sup>15</sup> We therefore grant your request for a refund of the \$7,150.00 filing fee associated with the *January 9 Application*.

A check, made payable to the maker of the original check, and drawn in the amount of \$7,150.00, will be sent to you at the earliest practicable time. If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

  
Mark Stephens  
Chief Financial Officer

<sup>12</sup> See 47 C.F.R. §1.1160(a)(2)(iii) (advance payment of regulatory fees subject to section 1.1152 of the rules will be refunded "[w]hen the Commission declines to grant [the subject] . . . application").

<sup>13</sup> See 47 U.S.C. §158(d)(2); 47 C.F.R. §1.1117(a); *Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985*, 5 FCC Rcd 3558, 3572-73 (1990).

<sup>14</sup> See *Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985*, 2 FCC Rcd 947, 958 (1987); *Sirius Satellite Radio, Inc.*, 18 FCC Rcd 12551 (2003).

<sup>15</sup> See 47 C.F.R. §§1.1108 and 1.1113(a).

8152



0603038340891520

LOUISIANA RADIO COMMUNICATIONS, INC.

P.O. Box 3143

Lake Charles, LA 70602-3143

(337) 436-7573

(337) 436-6540 FAX

(800) 527-2346

(800 LA RADIO)

October 18, 2006

~~Federal Communications Commission~~Attn. Kathy Pascarella *Kap*

Department of Spectrum Management Resources and Technologies Div.

Re: ERA Helicopters, LLC

FRN 0013156229

Dismissed Application File #0002443276

New Application File #0002692698

Dear Ms. Pascarella,

On January 9, 2006 Louisiana Radio Communications, Inc. filed a new license request application With the FCC for ERA Helicopters, LLC. This application was assigned file # 0002443276. On February 28, 2006 the application was dismissed due to an unknown to us "Red-light Issue".

Immediately finding out about the dismissal and "Red-light Issue" we contacted the FCC: Michelle, at the help desk and obtained the two FCC invoices regarding ERA Helicopters, two "Red-light" Invoices. We took immediate action and paid the outstanding debt of \$110.00 in full.

We apologize for creating such an error, however, Louisiana Radio Communications, filed the new license request for ERA Helicopters for Lake Charles, Louisiana and the "Red-light" invoices were mailed to Houston TX address to the attention of ERA Helicopters, LLC. ERA Helicopters being located in Lake Charles, LA never received these invoices and the Houston, TX address was no longer valid and the Postal Service did not forward these to Lake Charles, La address.

So on March 15 2006 we sent a request for a refund the for amount of \$13,650.00 associated with the FCC file #0002443276 Louisiana Radio Communication paid these fees on December 8, 2005. On April 11, 2006 we received a check for \$6500.00 a portion of the amount. I was told it would be sent in two checks as of October 18, 2006 we had not received the check for \$7150.00.



**LOUISIANA RADIO COMMUNICATIONS, INC.**

P.O. Box 3143

Lake Charles, LA 70602-3143

(337) 436-7573

(337) 436-6540 FAX

(800) 527-2346

(800 LA RADIO)

On the 18<sup>th</sup> of October I called the help desk and spoke with Dixie, she said I was not getting the application fee of \$7150.00 for file#002443276 refunded at this time. I needed to request again for a refund of the application fees of \$7150.00. Being we reapplied for ERA Helicopters and received file # 0002692698 and we paid the application fees at that time.

Any help you can give me at this time will be greatly appreciated. The refund check goes to :

Louisiana Radio Communication, Inc.

Attn: Debbie McCauley

P. O. Box 3143

Lake Charles, LA 70602

(337)436-7573 ext 47

Sincerely

Perry Vincent  
President

Adams

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

OCT 16 2007

OFFICE OF  
MANAGING DIRECTOR

Pantelis Michalopoulos, Esq.  
Steptoe & Johnson LLP  
1330 Connecticut Ave., N.W.  
Washington, DC 20036-1795

Re: EchoStar Satellite Operating Corporation  
Request for Refund of Application Fees  
Fee Control Number 0701238210171001

Dear Mr. Michalopoulos:

This is in response to your request filed June 28, 2007 (*Request*), on behalf of EchoStar Satellite Operating Corporation (EchoStar) for a refund of the \$32,034.00 filing fees associated with each of five 17/24 GHz Reverse Band Working (RBW) applications (*Applications*),<sup>1</sup> for a total refund request of \$160,170.00. Our records reflect that EchoStar paid the application fees at issue here. For the reasons set forth below, we grant your request.

You recite that on January 5, 2007, EchoStar filed seven RBW applications (including the *Applications*), bringing "the total number of RBW applications that EchoStar had on file to ten."<sup>2</sup> You state that "[a]t that time, there were no limitations on the number of pending RBW applications that an applicant could have on file with the Commission."<sup>3</sup> You assert that "[o]n May 4, 2007, the Commission issued an *Order* establishing new service and processing rules for the RBW service . . . . [providing that] no single applicant could proceed with more than five pending applications and/or licensed-but-unlaunched satellites in the RBW service."<sup>4</sup> You state that the *Order* directed all

---

<sup>1</sup> The applications at issue are: SAT-LOA-20070105-00002, Call Sign S2724; SAT-LOA-20070105-00004, Call Sign S2726; SAT-LOA-20070105-00005, Call Sign S2727; SAT-LOA-20070105-00006, Call Sign S2728; and SAT-LOA-20070105-00007, Call Sign S2729. *Request* at 1.

<sup>2</sup> In addition to the *Applications*, EchoStar states that it has the following five RBW applications on file with the Commission: SAT-LOA-20020328-000050, SAT-AMD-20051118-00247; SAT-LOA-20020328-00051, SAT-AMD-20051118-00246; SAT-LOA-20020328-00052, SAT-AMD-20051118-00245; SAT-LOA-20070105-00001; and SAT-LOA-20070105-00003. *Request* at 2, n.2.

<sup>3</sup> *Request* at 2.

<sup>4</sup> *Id.* (citing *Establishment of Policies and Service Rules for the Broadcasting-Satellite Service at the 17.3-17.7 GHz Frequency Band and at the 17.7-17.8 GHz Frequency Band Internationally, and at the 24.75-25.25 GHz Frequency Band for Fixed Satellite Services Providing Feeder Links to the Broadcasting-Satellite Service and for the Satellite Services Operating Bi-directionally in the 17.3-17.8 GHz Frequency Band, Report and Order and Further Notice of Proposed Rulemaking*, 22 FCC Rcd 8842, ¶15 (2007)

applicants with pending applications to notify the Commission, within 45 days whether they intended to go forward with the pending applications.<sup>5</sup> You state that "[b]ecause of the new limit on the number [of] pending RBW applications, EchoStar could only notify the Commission of its intent to proceed with five of its ten pending applications."<sup>6</sup> You assert that EchoStar is entitled to a refund of the filing fees associated with the *Applications* under section 1.1113(a) of the Commission's rules, 47 C.F.R. §1.1113(a)(4).

Section 1.1113(a)(4) of the rules provides that "[t]he full amount of any fee submitted will be returned or refunded . . . [w]hen the Commission adopts new rules that nullify applications already accepted for filing, or new law or treaty would render useless a grant or other positive disposition of the application." In the *Order*, the Commission adopted processing and service rules for the 17/24 GHz Broadcasting-Satellite Service (BSS), including "limit[ing] to five, the number of pending applications and/or licenses for unbuilt satellites in th[e 17/24 GHz] band at any one time."<sup>7</sup> In addition, the Commission "require[d] each applicant to notify the Commission by letter, within 45 days of release of th[e *Order*, whether it intends to go forward with each of its pending applications."<sup>8</sup> The Commission stated that "[i]f an applicant fails to file a notification of its intent to proceed with a particular application, we will dismiss that application."<sup>9</sup> EchoStar subsequently informed the Commission of its intent to proceed with five of the pending applications in accordance with the requirements of the *Order*. Under these circumstances, we find that the Commission's decision in the *Order* limiting the number of pending applications to five in the 17/24 GHz band at any one time in effect "nullified" five of EchoStar's ten pending applications, and that a refund of the filing fees associated with the *Applications* is therefore appropriate under section 1.1113(a)(4) of the rules. Accordingly, we grant your request for a refund of the filing fees associated with the *Applications*.

A check, made payable to the maker of the original check, and drawn in the amount of \$160,170.00 will be sent to you at the earliest practicable time. If you have any questions concerning the refund, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark Stephens  
Chief Financial Officer

---

<sup>5</sup> *Request* at 2.

<sup>6</sup> *Id.* (citing Letter from Bradley K. Gillen, EchoStar, to Marlene H. Dortch (Jun. 18, 2007)).

<sup>7</sup> *Order* at para. 15.

<sup>8</sup> *Id.* at para. 146.

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

Adams

OFFICE OF  
MANAGING DIRECTOR

July 13, 2007

DUE DATE: 8/9

Pantelis Michalopoulos  
Steptoe & Johnson LLP  
1330 Connecticut Avenue, NW  
Washington, DC 20036-1795

Re: EchoStar Satellite LLC  
Request for Refund of Application  
Fees Paid for Five RBW  
WTS Cntl. No. 8990

Dear Counsel:

This letter is acknowledging receipt of your letter dated June 28, 2007, which was received by the FCC on June 28, 2007. Within 30 days of this letter we will mail you either a resolution to your item or a letter telling you when you can expect a resolution. If you have any questions concerning this letter please call the Office of the Chief Financial Officer at (202) 418-1925. As you may notice from the date your correspondence was actually received in our office, we continue to experience significant delays in mail delivery. You may choose to fax or email any further correspondence to the Agency for a more timely response.

Sincerely,



Mark A. Stephens  
Chief Financial Officer

FO WAIVER TRACKING SYSTEM  
CONTROL # 8990

2007 JUL 10 A 8:45

RECEIVED - FCC  
JUN 28 2007  
Federal Communications Commission  
Bureau / Office

**Anthony Dale**  
**FCC Managing Director**  
**Federal Communications Commission**  
**445 12<sup>th</sup> Street, S.W.**  
**Washington, D.C. 20554**

# STEPTOE & JOHNSON LLP

ATTORNEYS AT LAW

Pantelis Michalopoulos  
202.429.6494  
pmichalo@steptoe.com

1330 Connecticut Avenue, NW  
Washington, DC 20036-1795  
Tel 202.429.3000  
Fax 202.429.3902  
steptoe.com

June 28, 2007

Via HAND DELIVERY

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, D.C. 20554

2007 JUL 10 A 8:45

Re: **Request for Refund of Application Processing Fees**  
File Nos. SAT-LOA-20070105-00002, Call Sign S2724  
SAT-LOA-20070105-00004, Call Sign S2726  
SAT-LOA-20070105-00005, Call Sign S2727  
SAT-LOA-20070105-00006, Call Sign S2728  
SAT-LOA-20070105-00007, Call Sign S2729

Dear Ms. Dortch,

EchoStar Satellite Operating Corporation ("EchoStar") respectfully requests a refund in the amount of \$160,170.00 for the application processing fees paid for the five 17/24 GHz Reverse Band Working ("RBW") applications listed above, pursuant to Section 1.1113(a)(4) of the Commission's Rules, 47 C.F.R. § 1.1113(a)(4).<sup>1</sup> That rule provides that: "the full amount of any fee submitted will be returned or refunded . . . [w]hen the Commission adopts new rules that nullify applications already accepted for filing, or new law or treaty would render useless a grant or other positive disposition of the application."

EchoStar is entitled to a refund of the fees paid for the five applications listed above precisely because new rules adopted by the Commission prevent their further prosecution. On January

<sup>1</sup> EchoStar paid fees of \$32,034.00 for each of the listed applications for a total of \$160,170.00.



Marlene H. Dortch  
June 28, 2007  
Page 2

5, 2007, EchoStar filed seven RBW applications with the Commission, including the five listed above. This brought the total number of RBW applications that EchoStar had on file to ten.<sup>2</sup> At that time, there were no limitations on the number of pending RBW applications that an applicant could have on file with the Commission. On May 4, 2007, the Commission issued an *Order* establishing new service and processing rules for the RBW service.<sup>3</sup> Under that *Order*, no single applicant could proceed with more than five pending applications and/or licensed-but-unlaunched satellites in the RBW service.<sup>4</sup> The *Order* also directed all applicants with pending applications to notify the Commission, within 45 days, "whether it intends to go forward with each of its pending applications."<sup>5</sup> Because of the new limit on the number pending RBW applications, EchoStar could only notify the Commission of its intent to proceed with five of its ten pending applications.<sup>6</sup>

It follows, therefore, that EchoStar has met all of the requirements in Section 1.1113(a)(4) for a full refund of the fees it has paid for the five abandoned applications listed above. The new rules adopted by the Commission have "nullified" or "rendered" useless a grant or other positive disposition of those applications. Accordingly, EchoStar respectfully requests that the fees for those applications be refunded by check to "EchoStar Communications Corporation," or by wire to:

---

<sup>2</sup> In addition to the five applications listed above, EchoStar has the following RBW applications on file with the Commission: File Nos. SAT-LOA-20020328-00050, SAT-AMD-20051118-00247; SAT-LOA-20020328-00051, SAT-AMD-20051118-00246; SAT-LOA-20020328-00052, SAT-AMD-20051118-00245; SAT-LOA-20070105-00001; SAT-LOA-20070105-00003.

<sup>3</sup> See *Establishment of Policies and Service Rules for the Broadcasting-Satellite Service at the 17.3-17.7 GHz Frequency Band and at the 17.7-17.8 GHz Frequency Band Internationally, and at the 24.75-25.25 GHz Frequency Band for Fixed Satellite Services Providing Feeder Links to the Broadcasting-Satellite Service and for the Satellite Services Operating Bi-directionally in the 17.3-17.8 GHz Frequency Band*, FCC 07-76, Report and Order and Further Notice of Proposed Rulemaking, IB Docket No. 06-123 (rel. May 4, 2007) ("*Order*").

<sup>4</sup> *Id.* at ¶ 15.

<sup>5</sup> *Id.* at ¶ 146.

<sup>6</sup> See Letter from Bradley K. Gillen, EchoStar, to Marlene H. Dortch, FCC, filed in IB Docket No. 06-123; File Nos. SAT-LOA-20020328-00050, SAT-AMD-20051118-00247; SAT-LOA-20020328-00051, SAT-AMD-20051118-00246; SAT-LOA-20020328-00052, SAT-AMD-20051118-00245; SAT-LOA-20070105-00001; SAT-LOA-20070105-00003 (filed Jun. 18, 2007). See also *Order* at ¶ 146 ("If an applicant fails to file a notification of its intent to proceed with a particular application, we will dismiss that application.").

Marlene H. Dortch  
June 28, 2007  
Page 3

Bank of America  
ABA number 026009593  
EchoStar Communications Corporation  
Account number 3751626905 "EchoStar Corporate AR (ACH/Wires)"  
Attention: Ximena Amaya 312-828-3787

Please contact the undersigned if you have any questions about this refund request.

Yours sincerely,

*Pantelis Michalopoulos /DCM*

Pantelis Michalopoulos  
Counsel for EchoStar Satellite Operating  
Corporation

cc:

Anthony Dale, FCC Managing Director  
Robert Nelson, International Bureau

FEDERAL COMMUNICATIONS COMMISSION

FILE

Washington, D. C. 20554

OCT 23 2007

OFFICE OF  
MANAGING DIRECTOR

Dan J. Alpert  
Counsel for Georgia-Carolina  
Radiocasting Company, LLC  
2120 N. 21<sup>st</sup> Road  
Arlington, VA 22201

Re: W281AD, Union, South Carolina  
Request for Waiver and Refund of Fiscal Year 2007  
Regulatory Fee  
Fee Control No. 0709199365899414

Dear Mr. Alpert:

This is in response to your request for waiver and refund of the Fiscal Year (FY) 2007 regulatory fee filed on behalf of Georgia-Carolina Radiocasting Company, LLC, licensee of Station W281AD (W281AD), Union, South Carolina.<sup>1</sup> You maintain that W281AD is currently dark.<sup>2</sup> As indicated below, your request is granted.

In support of your request, you attach a letter dated September 17, 2007 from H. Taft Snowden, Supervisory Attorney in the Audio Division of the Media Bureau, granting W281AD Special Temporary Authority (STA) to remain silent until February 19, 2008.<sup>3</sup>

In *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12762 (1995), the Commission determined that the imposition of a regulatory fee could be an impediment to the restoration of service by dark stations and that it therefore would waive the fee requirement for stations which have ceased operation.

Our records indicate that W281AD has been dark since February 19, 2007. Thus, your request to waive W281AD's FY 2007 regulatory fee is granted. Further, our records indicate that we received a timely payment of W281AD's FY 2007 regulatory fee on September 19, 2007. Accordingly, we will refund W281AD's FY 2007 regulatory fee payment. We will forward a check in the amount of \$345.00 as soon as practicable.

---

<sup>1</sup> Waiver and Refund Request from Dan J. Alpert, Counsel for Georgia-Carolina Radiocasting Company, LLC, filed September 20, 2007 (Request) at 1.

<sup>2</sup> *Id.*

<sup>3</sup> Attachment to Request, Letter from H. Taft Snowden granting STA, dated September 17, 2007 (Attachment) at 1.

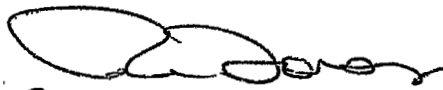
Dan J. Alpert

2.

As a reminder, W281AD's STA noted that, as a matter of law, W281AD's license will automatically expire if broadcast operations do not commence within 12 months from the date that the station ceased broadcasting.<sup>4</sup> See Section 312(g) of the Communications Act, 47 U.S.C. § 312(g). Therefore, this regulatory fee waiver applies only to FY 2007.

If you have any questions concerning this matter please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Stephens', with a large, stylized initial 'M'.

Mark Stephens  
Chief Financial Officer

---

<sup>4</sup> *Id.* at 1-2.

9684

0109199365899414

RECEIVED

The Law Office of  
**Dan J. Alpert**

2007 SEP 25 12:23  
2120 N. 21st Rd.  
Arlington, VA 22201  
DJA@COMMLAW.TV

(703) 243-8690

FINANCIAL CENTER

(703) 243-8692 (FAX)

September 19, 2007

RECEIVED - FCC

SEP 20 2007

Federal Communications Commission  
Bureau / Office

Mr. Andrew S. Fishel  
Managing Director  
Federal Communications Commission  
445 12<sup>th</sup> St. S.W..  
Washington, DC 20554

Re: **Station W281AD**  
**Union, SC**  
**Facility No. 155823**

Dear Mr. Fishel:

Georgia-Carolina Radiocasting Company, LLC, by its attorney, hereby requests a waiver and refund of its 2007 Annual Regulatory Fee. In support thereof, the following is stated.

In the Memorandum Opinion and Order issued with respect to Implementation of Section 9 of the Communications Act, FCC 95-257 (June 22, 1995), the FCC recognized that waivers of the annual Regulatory Fee was appropriate in certain instances, and specifically determined that it would grant waivers to licensees of broadcast stations which are dark (not operating). The Commission recognized that an imposition of regulatory fees could be an impediment to the restoration of broadcast service, and that such it would be unnecessary for such stations to make any further showing to warrant grant of a waiver. Id. at ¶ 15.

Georgia-Carolina is licensee of Station W281AD, Union, South Carolina. The station currently is dark. See Attachment. Accordingly, a waiver of the 2007 Annual Regulatory Fee is appropriate. A refund of the \$345.00 fee that was timely paid respectfully is requested.

**WHEREFORE**, it respectfully is requested that this request be granted.

Very truly yours,

Dan J. Alpert

*Counsel for Georgia-Carolina Radiocasting  
Company, LLC*

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

OCT 23 2007

OFFICE OF  
MANAGING DIRECTOR

Dan J. Alpert  
Counsel for KCFA, Inc.  
2120 N. 21<sup>st</sup> Road  
Arlington, VA 22201

Re: K283AY, West Point, California  
Request for Waiver and Refund of Fiscal Year 2007  
Regulatory Fee  
Fee Control No. 0709059365894155

Dear Mr. Alpert:

This is in response to your request for waiver and refund of the Fiscal Year (FY) 2007 regulatory fee filed on behalf of KCFA, Inc., licensee of Station K283AY, West Point, California.<sup>1</sup> You maintain that K283AY is currently dark.<sup>2</sup> As indicated below, your request is granted.

In support of your request, you attach a letter dated August 1, 2007 from H. Taft Snowden, Supervisory Attorney in the Audio Division of the Media Bureau, granting K283AY Special Temporary Authority (STA) to remain silent for a period not to exceed December 6, 2007.<sup>3</sup>

In *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12a762 (1995), the Commission determined that the imposition of a regulatory fee could be an impediment to the restoration of service by dark stations and that it therefore would waive the fee requirement for stations which have ceased operation.

Our records indicate that K283AY has been dark since December 6, 2006. Thus, your request to waive K283AY's FY 2007 regulatory fee is granted. Further, our records indicate that we received a timely payment of K283AY's FY 2007 regulatory fee on September 5, 2007. Accordingly, we will refund K283AY's FY 2007 regulatory fee payment. We will forward a check in the amount of \$345.00 as soon as practicable.

---

<sup>1</sup> Waiver and Refund Request from Dan J. Alpert, Counsel for KCFA, Inc., filed September 18, 2007 (Request) at 1.

<sup>2</sup> *Id.*

<sup>3</sup> Attachment to Request, Letter from H. Taft Snowden granting STA, dated August 1, 2007 (Attachment) at 1.

Dan J. Alpert

2.

As a reminder, K283AY's STA notes that, as a matter of law, K283AY's license will automatically expire if broadcast operations do not commence within 12 months from the date that the station ceased broadcasting.<sup>4</sup> See Section 312(g) of the Communications Act, 47 U.S.C. § 312(g). Therefore, this regulatory fee waiver applies only to FY 2007.

If you have any questions concerning this matter please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Stephens', written in a cursive style.

Mark Stephens  
Chief Financial Officer

---

<sup>4</sup> *Id.* at 1-2.

9677

RECEIVED

2007 SEP 25 P 12:23

FINANCIAL SERVICES  
CENTER

(703) 243-8692 (FAX)

The Law Office of

**Dan J. Alpert**

2120 N. 21st Rd.  
Arlington, VA 22201  
DJA@COMMLAW.TV

(703) 243-8690

September 18, 2007

Mr. Andrew S. Fishel  
Managing Director  
Federal Communications Commission  
445 12<sup>th</sup> St. S.W.  
Washington, DC 20554

RECEIVED - FCC

SEP 18 2007

Federal Communications Commission  
Bureau / Office

**Re: Station K294AW  
Arnold, CA  
Facility No. 86880**

Dear Mr. Fishel:

KCFA, Inc., by its attorney, hereby requests a waiver and refund of its 2007 Annual Regulatory Fee. In support thereof, the following is stated.

In the Memorandum Opinion and Order issued with respect to Implementation of Section 9 of the Communications Act, FCC 95-257 (June 22, 1995), the FCC recognized that waivers of the annual Regulatory Fee was appropriate in certain instances, and specifically determined that it would grant waivers to licensees of broadcast stations which are dark (not operating). The Commission recognized that an imposition of regulatory fees could be an impediment to the restoration of broadcast service, and that such it would be unnecessary for such stations to make any further showing to warrant grant of a waiver. Id. at ¶ 15.

KCFA, Inc. is licensee of Facility No. 86880. The station currently is dark. See Attachment. Accordingly, a waiver of the 2007 Annual Regulatory Fee is appropriate. A refund of the \$345 fee that was timely paid respectfully is requested.

**WHEREFORE**, it respectfully is requested that this request be granted.

Very truly yours,

Dan J. Alpert

Counsel for KCFA, Inc.

9677